

# POLICY

## SOUTH ORANGE MAPLEWOOD BOARD OF EDUCATION

Community  
9130/Page 1 of 42  
PUBLIC COMPLAINTS AND GRIEVANCES

### 9130 PUBLIC COMPLAINTS AND GRIEVANCES

#### **PUBLIC COMPLAINTS AND GRIEVANCES – NOT RELATED TO INSTRUCTIONAL AND RESOURCE MATERIALS**

Any ~~student or a parent/guardian of a student in the District person or group having a legitimate interest in the schools of this district~~ may present a request, suggestion, or complaint concerning district personnel, the educational program, ~~instructional or resource materials~~, or the operations of the district. The Board directs the establishment and publication of procedures for the hearing and settlement of requests and complaints that provide a means for resolving them fairly and impartially, permit appropriate redress, and protect district personnel from unnecessary harassment.

When a Board member is confronted with an issue, ~~he/she~~ the Board member will withhold comment, commitment and/or opinion and refer the complaint or inquiry to the Superintendent, who shall review the complaint according to established procedures.

Only in those cases where satisfactory adjustment cannot be made by the Superintendent and the staff shall communications and complaints be referred to the Board for resolution.

Any misunderstandings or disputes between the public and school district staff should, whenever possible, be settled by direct, informal discussions among the interested parties. It is only when such informal meetings fail to resolve differences that more formal procedures shall be employed. A complaint about a school program or personnel should be addressed to the building principal; ~~a complaint about instructional or resource materials should be addressed to the Superintendent.~~

The Superintendent shall establish procedures for the hearing of requests and complaints regarding district personnel, the educational program, ~~instructional and resource materials~~, and the operation of the school district. Procedures will be governed by the following guidelines:

1. The matter will be resolved initially, wherever possible, by informal discussions between or among the interested parties and the level of authority closest to the cause of the complaint.
2. A matter that cannot be resolved informally may be appealed at successive levels of authority, up to and including the Board of Education, unless otherwise stated in policy.

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# POLICY

## SOUTH ORANGE MAPLEWOOD BOARD OF EDUCATION

Community  
9130/Page 2 of 42

### PUBLIC COMPLAINTS AND GRIEVANCES

3. The complaint and its immediate resolution will be reduced to writing at the first and at each successive level of appeal.
4. A reasonable period of time, not to exceed ten working days, will be permitted for the filing of an appeal in writing at each successive level. A decision at each level of appeal must be rendered in writing no later than ten working days after the appeal is filed.

5. In the case of complaints about instructional or resource materials, the initial complaint must set forth in writing the author, title, and publisher of the materials as well as those specific portions of the material or the work to which objection is taken; the complainant's familiarity with the work; the reasons for the objection; and the use of the work in the schools. The Superintendent shall appoint a committee of professional staff members and community representatives to review the challenged material against the standards for the selection of resource materials established by Board policy. The committee will report its findings to the Board. No challenged material may be removed from the curriculum or from a collection of resource materials except by action of the Board of Education, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.

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6. A complainant shall be notified that a decision of the Board may be appealed to the Commissioner of Education.

#### **PUBLIC COMPLAINTS AND GRIEVANCES, – RELATED TO INSTRUCTIONAL AND RESOURCE MATERIALS:**

Materials in a school's collection are curated by educational professionals in order to support students' academic and personal growth. There may be a time when a student or a parent/guardian of a student in the district may want the school to reconsider the inclusion of a particular material in the collection.

Any student or parent/guardian of a student that has a legitimate interest in the schools of this district may present a complaint regarding the instructional or resource materials of the district. The Board directs the establishment and publication of procedures for the hearing and settlement of requests and complaints that provide a means for resolving them fairly and impartially, permit appropriate redress, and protect district personnel from unnecessary harassment.

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# POLICY

## SOUTH ORANGE MAPLEWOOD BOARD OF EDUCATION

Community  
9130/Page 3 of 42  
PUBLIC COMPLAINTS AND GRIEVANCES

When a Board member is confronted with an issue, the board member will withhold comment, commitment and/or opinion and refer the complaint or inquiry to the Superintendent, who shall review the complaint according to established procedures.

Any misunderstandings or disputes regarding instructional or resource materials should, whenever possible, be settled by direct, informal discussions among the interested parties. If it is not feasible to try informal discussions first, or if such informal discussions fail to resolve the matter, then more formal procedures shall be used, in accordance with the District's established Chain of Command. A complaint about instructional or resource materials should be addressed to the building principal after first having an informal discussion with the school librarian or teacher about the material in question.

The Superintendent shall establish procedures for the hearing of requests and complaints related to instructional and resource materials. Procedures for instructional and resource materials will be governed by the following guidelines:

a. The student or parent/legal guardian of a district school student in the school district shall use the following procedures to present evidence that the material does not meet the criteria of Resource Materials Policy 2530 and any applicable state requirements by requesting reconsideration of the challenged material. Examples of state requirements include but are not limited to:

1. Holocaust/genocide Bill (1994; revised 2018): NJSA 18A:35-28, PL 1994, c.13, s.1, s.2
2. Amistad Commission Bill (2002): P.L.2002, c.75 (A1301 1R), Revised 2020, P.L.2020,c.153
3. LGBTQ and Persons with Disabilities Bill (2019): P.L. 2019, c.006 (S1569) ;
4. Diversity and Inclusion in Curriculum Bill (2021): P.L. 2021.032 (A4454);
5. Asian American History Bill (2021) P.L.2021, c.416 (S4021)
6. Asian American Heritage Commission (2021) P.L.2021, c.410 (S3764)
7. New Jersey Quality Single Accountability Continuum (NJQSAC): All schools in NJ are required to be compliant with NJ Statutes and Administrative Code; compliance specifically requires the inclusion of Holocaust (p23), Amistad (p 23), LGBTQ (p 62);
8. Social and Emotional Learning Competencies approved by NJ State Board of Education (SEL Competencies), August 2017

b. Challenged materials shall remain in use and shall not be removed until the following informal and formal due process procedures have been fully completed.

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# POLICY

## SOUTH ORANGE MAPLEWOOD BOARD OF EDUCATION

Community  
9130/Page 4 of 42  
PUBLIC COMPLAINTS AND GRIEVANCES

c. No challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some.

d. No challenged material may be removed from the curriculum or from a collection of resource materials except by action of the Board of Education after a public hearing. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.

e. If more than one item is being challenged, each item challenged will be read, reviewed and considered individually.

f. The Board of Education will keep an updated list of all challenged and banned materials on the district's website along with a copy of the procedures outlined in this policy, and a link to the Request for Reconsideration of Materials Form.

Please see Regulation 9130 for information about the procedures used when an instructional and/or resource material is challenged.

Adopted: 2 April 2001

First Reading: February 24, 2022

Second Reading: March 21, 2022

Adoption:

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